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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/8/07

MEMO ENDORSED

Via Mail
The Honorable Richard M. Berman
United States District Court Judge
United States District Court
Southern District of New York
40 Centre Street, Room 706
New York, NY 10007

David A. Zelman, Esq.	Stay is lifted.
Law Office of David A. Zelman	All facts
612 Eastern Parkway	expert discovery
Brooklyn, New York 11225	to be completed no later than
	9/17/07. Settlement May 4, 2007 conference
	with principals on 9/24/07 @
	10:00 A.M.
SO ORDERED:	Richard M. Berman
Date: 5/8/07	Richard M. Berman, U.S.D.J.

Re: Lewis v. City of New York, et. al.
04 CV 3696 (RMB)

Dear Judge Berman:

I am the attorney for the plaintiff in this civil rights matter. Previously, your Honor granted a stay upon request of the parties. The reason for requesting the stay was the pendency of a criminal appeal.

I have discussed the criminal appeal the plaintiff has undertaken in this matter with her assigned counsel. The assigned counsel have informed me that the appellate process in this matter will require several years time. No appeal has been perfected as of this date. I asked the counsel if there is anything they can do to expedite the process and was told that there is nothing.

I spoke to defense counsel and my client about this situation. My client would like to proceed with her case despite the existence of an appeal. Defense counsel takes no position in this matter.

Requiring a stay to be in effect during the pendency of the criminal appellate process would prejudice the plaintiffs case. It appears certain that any decision in the plaintiff's criminal appeal will take several years. By that time, witnesses may well be unavailable and recollections will surely dim.

Therefore, the plaintiff requests that the stay be lifted and that the parties be given an opportunity to discuss outstanding discovery issues prior to meeting with Magistrate Judge Fox.

We thank your for your consideration in this matter.

Very Truly Yours:

David A. Zelman (DZ 8578)

cc: Vivian Najib, Esq. (via fax)
Assistant Corporation Counsel

Magistrate Judge Fox (via fax)

